

discussed in the telephone conversation applicant is presenting method claims having at least one recited step. Support for new claims 23-26 can be found on pages 5-6, bridging paragraph, pages 8-9, bridging paragraph, for example.

The rejection of claims 1-9, under 35 U.S.C. § 112, second paragraph, as it now pertains to new claims 12-20, is believed to be rendered moot in view of the amendments made to the claims. Specifically the claims now recite a means for linear measurement upon which the standard gradations may appear. Support for the amendment is found at page 8, lines 6-14 of the specification.

The rejection of claim 10, as it now pertains to new claim 21, under 35 U.S.C. § 102 as being clearly anticipated by Fressola is respectfully traversed.

The Office states that Fressola discloses a method which explains a method of measuring a distance between two objects involving fractions of light years. It further states that this measurement also includes fractions of light seconds, since light years and light seconds are known to be proportional (fractionally related).

Applicant respectfully submits that Fressola fails to anticipate the instantly claimed invention. The patent fails to teach a method for measuring the distance between two points with a measuring system having a means for linear measurement with a first set of standard gradations spaced along a length thereof wherein each gradient is based on a multiple of a light second and wherein the gradation is a new inch wherein 10 new inches make up a new foot and said new foot is based on 1 billionth of a light second.

The rejection is improper. Applicant respectfully requests withdrawal of the instant rejection.

The rejection of claim 11, as it now pertains to new claims 22 and 24, under 35 USC 103 (a) as being unpatentable over Fressola is respectfully traversed.

The Office states that Fressola discloses the invention substantially as claimed but does not specifically disclose the units "billionth of a light second" or "foot" as claimed. The Office takes Official notice that these two units as claimed are simple conversions of the known units taught by Fressola. The Office then states that a person can convert a length into groupings of any desired unit and that this is common in the construction industry, where sheets of plywood

and studs come in standard sizes. It then states that a construction worker will "convert" his measurements to the standard sizes and then determine how many "units" of the material he needs. The Office concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to convert the units taught by Fressola into the claimed units since such a conversion is based on user preferences.

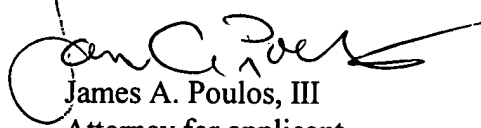
Applicants respectfully submit that Fressola fails to render the instantly claimed invention *prima facie* obvious. Fressola alone fails to teach the instantly claimed invention. Fressola does not disclose or suggest gradations based on light seconds specifically wherein said new foot is based on a billionth of a light second. The Office has failed to provide any reference which when combined with Fressola teach the instantly claimed methods. It is noted that the Office gives Official Notice; however, Applicants would like the Office to provide the references that when combined with Fressola would teach the instantly claimed invention. Without such references, the rejection is improper and fails to render the instantly claimed invention *prima facie* obvious. Applicants respectfully request withdrawal of the instant rejection.

By the above applicant believes the application is in condition for allowance.

Any fee not covered by the attached check, necessary to effect entry of this amendment, should be charged to the undersign's deposit account 50-1770.

In view of the amendments and remarks above, Applicants submit that this application is in condition for allowance and request reconsideration and favorable action thereon.

Respectfully submitted,



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